

~ RSPA - 1097-13403-1

Western Growers Association

Serving the California and Arizona Fresh Produce Industry



December 22, 1997

Public Dockets Office
Research and Special Programs Administration
U.S. Department of Transportation
DHM-30, Room 8421
400 Seventh Street, S.W.
Washington, D.C. 20590-0001

Attention: Ms. Barbara Alston

DOT/RSPA/OHMS
DOCKETS UNIT
97 DEC 23 AM 10:13

Re: Petition for Rulemaking - Add New Section to 49 CFR Governing Design of and Transportation Safety Control Measures for Portable/Mobile Refrigeration Systems

Western Growers Association, an agricultural trade association representing growers, packers and shippers of fresh vegetables, fruits and nuts in California and Arizona submits this petition for rulemaking, in accordance with 49 CFR Section 106.39, on behalf of our membership and the businesses engaged in providing portable/mobile refrigeration services to the fresh produce industry. Western Growers Association requests the promulgation of a new rule which would establish standards for portable/mobile refrigeration systems and system components and the safe transportation of portable/mobile refrigeration systems and system components on public roads.

Western Growers Association requests that the Department of Transportation consider this petition as a candidate for expedited rulemaking, and further requests that the rule be published on or before February 1, 1998. A good faith effort has been made to attempt to identify other industry groups which utilize portable/mobile refrigeration equipment of a similar nature and size which would or could be impacted by the proposed rule. To the best of our knowledge it appears that the use of these mobile/portable refrigeration systems is currently limited to equipment serving the needs of production agriculture in the western states.

As the businesses which would be impacted by the proposed rule have been operating safely in accordance with the provisions of DOT-E 10285 since late 1989, and support the proposed rulemaking petition which we are undertaking on their behalf, Western Growers Association does not anticipate adverse comment and therefore believes the requested action could be considered noncontroversial. Western Growers Association further believes that the proposed rulemaking cannot be considered "substantial" from a nationwide perspective as the currently identifiable impacted businesses appear to be limited both in number and geography.

P-1351

Western Growers Association

Serving the California and Arizona Fresh Produce Industry

February 10, 1998



Public Dockets Office
Research and Special Programs Administration
U.S. Department of Transportation
DHM-30, Room 8421
400 Seventh Street, S.W.
Washington, D.C. 20590-0001

DOT/RSPA/CHMS
DOCKETS UNIT
98 FEB 17 PM 4:59

Re: Petition for Rulemaking - P1352

Enclosed, as requested by Ms. Hattie Mitchell, is the last page of the abovementioned Western Growers Association Petition for Rulemaking to which I have added my signature.

After the subject Petition was submitted we discovered two typographical errors which I would like to take this opportunity to correct. Following please find our changes to the Petition. Revised pages reflecting these changes are attached.

1) On Page 3 of the Petition the Summary of Proposed Action states, in the second paragraph, that "The proposed rule specifies requirements for portable/mobile refrigeration systems put into service prior to December 22, 1997, (the date of the Petition for Rulemaking) and portable/mobile refrigeration systems put into service on or after December 22, 1997." However, in the Text of Proposed Rule (Pages 4 and 5) the date referenced is October 1, 1996 (the date of the third revision of DOT-E 10285).

Attached please find a revised Page 4 and a revised Page 5. The date on these two pages has been changed to December 22, 1997, the date of the Petition.

2) The true length of the Petition, minus attachments, is 10 pages. Two pages were inadvertently both numbered Page 7. Attached please find renumbered Page 8, Page 9, and Page 10. No other changes have been made to these three renumbered pages.

Thank you for your attention to this matter.

Sincerely,

Kathleen R. Mannion, Director
California Government Affairs

Western Growers Association

Serving the California and Arizona Fresh Produce Industry



December 23, 1997

Ms. J. Suzanne Hedgepeth, Chief
Exemptions Branch
Office of Hazardous Materials Transportation
Research & Special Programs Administration
U.S. Department of Transportation
400 Seventh Street, S.W.
Washington, D.C. 20590

Re: Petition for Rulemaking

Dear Ms Hedgepeth:

Enclosed please find a copy of the Western Growers Association (WGA) Petition for Rulemaking which was submitted yesterday to the U.S. Department of Transportation (DOT). In the Petition for Rulemaking WGA is requesting the addition of a new section to 49 CFR governing design of and transportation safety control measures for portable/mobile refrigeration systems.

As you know, WGA has desired, since the issuance of DOT-E 10285, to undertake this rulemaking. WGA believes that a sufficient period of time has elapsed since issuance in 1989, and that safe operation has been demonstrated so that the DOT may undertake rulemaking confident that the proposed standards are sufficiently protective.

It is WGA's sincere hope that the rulemaking will be concluded prior to the August 31, 1998 expiration date.

Sincerely,

Kathleen R. Mannion, Director
California Government Affairs

Enclosure

NATIONAL ORGANIZATIONAL SUPPORT

INTERNATIONAL INSTITUTE OF AMMONIA REFRIGERATION (IIAR)

The International Institute of Ammonia Refrigeration (IIAR) was formed to promote the safe use of ammonia as a refrigerant through education, information and standards and to carry out activities in furtherance of these purposes. IIAR represents manufacturers, contractors, end users, engineer and manufacturer's representatives of ammonia refrigeration equipment and systems.

IIAR will submit to DOT a letter of support shortly after January 1, 1998.

REFRIGERATING ENGINEERS AND TECHNICIANS ASSOCIATION (RETA)

The Refrigerating Engineers and Technicians Association (RETA) is a nationwide organization which serves its members through development of educational materials and certification. RETA provides information to the operators, technicians and engineers involved in the ammonia refrigeration industry to increase their ability to safely and effectively operate their refrigerated facilities.

RETA supports the Petition for Rulemaking, and the design standards and transportation safety control measures proposed. Please see RETA endorsement letters. (Attachment A).

PORTABLE/MOBILE REFRIGERATION SYSTEMS

Portable/mobile refrigeration systems and/or system components are commonly known as vacuum tubes, accumulators, refrigeration units, ice makers, pressure coolers or evaporators. Some of the refrigeration systems have a trailer built-in as part of the equipment, otherwise known as self-contained automatic trailers (SCATs), while others are separate units and are transported on flatbed trailers. Pictures of the subject equipment, as well as other background materials, are in the possession of the Office of Hazardous Materials Exemptions & Approvals.

Components are manufactured to the same specifications (ASME, ASTM, ASHRAE) required of stationary refrigeration systems. When operated onsite, portable/mobile refrigeration equipment must conform to the same regulations as fixed refrigeration plants i.e. HMP, RMPP, Sara Title III, Uniform Mechanical Code, Uniform Fire Code, Uniform Electrical Code, etc., and are regulated by local health departments. The proposed rule will not change these stationary refrigeration system requirements nor the current distribution of authority and responsibility among the various levels of government.

SUMMARY OF PROPOSED ACTION

The proposed rule would establish design standards for portable/mobile refrigeration systems and standards governing the transport on public roads of portable/mobile refrigeration systems and system components containing residual amounts of refrigerant gas. Refrigerant gas, when referenced, intends to include residual ammonia, classed as Division 2.2 (nonflammable gas). The proper shipping name is Ammonia, Compressed gas n.o.s., or Refrigerant gas n.o.s. as appropriate.

The proposed rule specifies requirements for portable/mobile refrigeration systems put into service prior to December 22, 1997, (the date of the Petition for Rulemaking) and portable/mobile refrigeration systems put into service on or after December 22, 1997. Additional requirements for systems put into service prior to December 22, 1997 are imposed to assure safe transportation of systems whose piping and components are rated at an maximum allowable working pressure (MAWP) of less than 250 psig but not less than 150 psig.

The proposed rule provides that the total volumetric capacity per vehicle may not exceed 2,500 gallons, and establishes marking and placard requirements, as well as inspection and testing requirements. Prior to movement of portable/mobile refrigeration systems or system components over public highways the proposed rule provides that each component must be drained of liquid anhydrous ammonia to the greatest extent practical, and that the residual liquid ammonia in each component or piping shall not be more than one percent of the component's total volumetric capacity, or 10 gallons, whichever is less. The proposed rule also would require that drivers be instructed as to necessary safeguards and proper procedures, emergency response procedures and proper procedures for mitigation of refrigerant releases.

PURPOSE OF PROPOSED ACTION

The U.S. Department of Transportation (DOT) determined in 1989 that portable/mobile refrigeration systems are subject to DOT Hazardous Materials Regulations, and that subject portable/mobile refrigeration systems are "non-DOT specification packaging". Unable to meet the requirements of 49 CFR Section 173.29 "Empty packagings" and Section 173.315 "Compressed gases in cargo tanks and portable tanks," portable/mobile refrigeration equipment owners have been operating under a DOT exemption, DOT-E 10285. (See Attachment B)

49 CFR Section 173.29 and Section 173.315 were not promulgated with the type of portable/mobile refrigeration systems that are the subject of this petition in mind. For example, this refrigeration equipment is not used for bulk delivery of any hazardous material, yet the unit's "reservoirs" have been deemed to meet the definition of a cargo tank. Unlike bulk delivery equipment which may be on the public roads daily, it is estimated that portable/mobile refrigeration systems or system components used in western agriculture average less than thirty hours per year in transit. For example, in late 1991 Western Growers Association estimated that,

in response to harvest requirements, 358 refrigeration systems or system components were moved over public roads and highways approximately 1,006 times during the previous 21 months. This figure represents the equipment transported as it moves down the road (i.e. a "system" transported as two separate components, moved once, is reported as being moved two times). The breakdown of system components established in 1991 was as follows: 129 refrigeration trailers; 53 pressure coolers; 84 vacuum retorts (tubes); 24 ice makers; 65 accumulator packages; two (2) hydro coolers; and, one (1) hydro shower. These figures do not include mobile/portable refrigeration systems or system components of those businesses who individually petitioned the DOT for "party to" DOT-E 10285 status.

The solution to the problem outlined above, i.e. the inappropriateness of the current regulations, is to add standards and requirements to 49 CFR which specifically address these portable/mobile refrigeration systems, and which will ensure the safe transportation of such systems and system components on public roads.

Western Growers Association was first granted DOT-E 10285 on December 5, 1989. The original exemption expired on February 28, 1990. The 3rd Revision, issued October 1, 1996, expires August 31, 1998. It is Western Growers Association's firm belief that the owners of the subject portable/mobile refrigeration equipment have operated safely in accordance with the provisions of DOT-E 10285 for a sufficient period of time to justify this rulemaking request. It is our hope that the DOT rulemaking will be finalized prior to the August 31, 1998 expiration date of DOT-E 10285.

Please note that the text of the proposed rule mirrors the provisions of DOT-E 10285.

TEXT OF PROPOSED RULE

Add Section ____ to 49 CFR as follows:

Section ____ Portable and mobile refrigeration systems.

(a) Portable and mobile refrigeration systems containing residual amounts of refrigerant gas may not be offered for transportation unless in compliance with the design standards specified in this section. Portable and mobile refrigeration system components are commonly known as vacuum tubes, accumulators, refrigeration units, ice makers, pressure coolers or evaporators, and may or may not be mounted on a motor vehicle. Refrigerant gas, when referenced, intends to include ammonia.

(1) All portable and mobile refrigeration systems put into service on or after December 22, 1997 shall meet the following design standards:

(i) All tanks (i.e. receivers, accumulators and oil separators) to be designed, fabricated, and maintained in accordance with the ASME Code.

(ii) Piping that contains anhydrous ammonia shall be ASTM schedule A53B or A106 schedule 40 for piping of 2" and over and schedule 80 for piping less than 2".

(iii) All components and piping shall be rated at an maximum allowable working pressure of not less than 250 psig.

(2) All portable and mobile refrigeration systems put into service prior to December 22, 1997 shall meet the following design standards:

(i) All tanks (i.e. receivers, accumulators and oil separators) to be designed, fabricated, and maintained in accordance with the ASME Code.

(ii) Piping that contains anhydrous ammonia shall be ASTM schedule A53B or A106 schedule 40 for piping of 2" and over and schedule 80 for piping less than 2".

(iii) Portable or mobile refrigeration systems shall have a design pressure or maximum allowable working pressure rated at not less than 250 psig for the piping and components of the high side (condensing), and a design pressure or maximum allowable working pressure rated at not less than 150 psig for the piping and components of the low side (evaporating).

(b) Portable and mobile refrigeration systems containing residual amounts of refrigerant gas may not be offered for transportation unless in compliance with the safety control measures specified in this section.

(1) Portable and mobile refrigeration systems with a design pressure or maximum allowable working pressure of 250 psig or more containing residual amounts of refrigerant gas may not be offered for transportation unless in compliance with the following:

(i) Prior to movement over public roads each component must be drained of liquid anhydrous ammonia to the greatest extent practical.

(ii) Residual liquid anhydrous ammonia in each component or piping shall not be more than one (1) percent of the component's total volumetric capacity, or ten (10) gallons, whichever is less.

(iii) Piping and components which contain liquid anhydrous ammonia during transport shall be isolated by appropriate means from piping and components marked "Low Side".

(2) Portable and mobile refrigeration systems with piping and components rated at less than 250 psig and equal to or greater than 150 psig may not be offered for transportation unless in compliance with the following:

(i) Piping and components shall be labeled "Low Side" in a permanent and clearly visible manner.

(ii) Piping and components shall be isolated by appropriate means from piping and components of the high side which contain liquid anhydrous ammonia during transport.

(iii) Components and piping shall contain gaseous lading only, and shall be vented of gaseous lading to the extent that the maximum allowable working pressure is not exceeded at transport temperatures of up to 130 degrees F.

(iv) Low side pressure shall not exceed 150 psig during transport.

(v) Low side shall have a pressure gauge with corresponding temperature markings mounted so as to be easily read from the right side of trailer, standing on ground. The gauge is to be permanently tagged "Saturation Gauge".

(c) All lines that must be disconnected for transportation purposes shall be closed by means of a cap, plug or blank flange and valves at the end of disconnected lines must be tightly closed.

(d) Any part of the piping or tank separated by or closed off from another component by means of a valve, blank flange or other device during transit must be equipped with a pressure relief valve set at not more than the component or piping maximum allowable working pressure.

(e) Total volumetric capacity per vehicle may not exceed 2,500 gallons.

(f) Shipping papers must accompany each system or system component.

(g) Portable and mobile refrigeration systems shall be visually inspected and marked each year. Visual inspection to include items of 49 CFR 180.407 (d) (2) applicable to refrigeration systems. The certificate of the annual visual inspection shall be dated and signed by the person performing the inspection and must contain their company affiliation. The certificate shall remain at the equipment owners office.

(h) Each portable and mobile refrigeration system shall be proof pressure tested and marked every two years beginning with the initial pressure test performed after manufacture. Additional pressure tests shall be performed after any modification, repair, or damage to a part of the system pressurized with refrigerant gas. System test pressures shall not be less than one and one half (1.50) times the rated maximum allowable working pressure of the system component or piping.

(i) Pressure relief valves shall be tested and marked as follows:

(1) Pressure relief valves may be replaced and marked every five years with valves certified at the appropriate maximum allowable working pressure, in which case the valves need not be tested every two years.

(2) Pressure relief valves which are not replaced every five years must be tested and marked every two years at the maximum allowable working pressure for the components or piping to which they are attached. Valves which do not pass test shall be repaired or replaced. Repaired valves must pass factory certification before being returned to service.

(j) Portable and mobile refrigeration systems or system components shall meet the following markings and placarding requirements:

(1) Markings and placarding for bulk packages as prescribed in Subparts D and F of Part 172 and reports and all of the requirements for records of inspection, including retest markings, as prescribed in Section 173.33.

(2) Evidence of annual inspection and proof pressure test conducted every two years shall be painted on right forward side of the portable or mobile refrigeration system with 2" high letters indicating type of last test (V=visual, P=pressure; hydrostatic or pneumatic) and month and year in which it was preformed.

(3) Pressure relief valves must be durably marked with either the date of last test, set-pressure, and testing company or date of last replacement, set-pressure, and certifying company.

(k) Owners and shippers shall not use a motor carrier assigned an unsatisfactory safety rating by the Office of Motor Carrier Field Operations, Federal Highway Administration.

(l) Drivers shall be instructed as to safeguards and proper procedures in the event of unusual delay, fire or accident as follows:

(1) Hazards of the particular refrigerant gas.

(2) Emergency response procedures particular to the refrigerant.

(3) Proper procedures for mitigation of refrigerant releases.

(m) Carrier shall report to the Office of Hazardous Materials Transportation, as soon as practical:

- (1) Any incident involving loss of contents during transport.
- (2) Any fatigue, cracking, corrosion or failure during transport.

PETITIONER'S INTEREST IN THE PROPOSED RULE

Western Growers Association represents growers, packers and shippers in the California and Arizona fresh produce industry. Western Growers Association members produce the majority of fresh vegetables, as well as a significant percentage of the fresh fruit and nuts, produced in these two states. California is the number one agricultural state in the nation, producing over 250 commodities and more than fifty percent of the nations fresh produce. Associate members of the Association are businesses associated with the fresh produce industry and include businesses which provide onsite field cooling of agricultural commodities.

There are various types of precooling methods, and the chosen method of precooling is dependent upon the type of commodity and the operation involved. In vacuum cooling the product is placed in a vacuum retort and the atmospheric pressure is reduced to a point where water boils and evaporates at 32 degrees F. Pressure cooling occurs by pulling air over the product. Hyrdo-vac cooling allows produce with a low moisture content to be essentially vacuum cooled without dehydrating the product. This is done by spraying water on the product just prior to the "flash point" of the vacuum cycle. Hydrocooling removes field heat from the produce by cascading chilled water over the product. And lastly, in ice injection liquid ice is pumped into individual cartons.

Western agriculture is a highly specialized industry. Agricultural land in production produces a series of crops in succession, and the choice of crop is dictated by the market, climate, growing season, and soil renewal requirements. Once a harvest is completed, the fields are prepared for the planting of the next crop. The length of the growing season depends on the crop, temperature, etc. Extensive acreage is often involved, and the optimum harvest time is short.

Like stationary refrigeration systems, portable/mobile refrigeration systems are used in the cooling (precooling) of produce prior to it being loaded into trucks or railcars for market. Stationary refrigeration facilities, while commonplace, cannot economically be built near or within the vicinity of each harvest location. Portable/mobile refrigeration systems which can "follow the harvest" fill a vital niche. These portable/mobile units are also used to supplement stationary refrigeration systems during peak harvest times.

The majority of fresh fruits and vegetables are highly perishable and require refrigeration soon after harvest to preserve the freshness and quality necessary to make the commodity marketable. The deterioration rate of fresh commodities is subject to various environmental influences, such as relative humidity, light, etc., but temperature exceeds all others in importance. Deterioration

proceeds slowly at low temperatures, and rapidly at high temperatures. Spinach, for example, becomes unmarketable 13 times as rapidly at 80F as at 35F. Expressed differently, a delay of only one hour before pre-cooling costs as much shelf-life as half a day of storage after pre-cooling. Lettuce must be refrigerated as soon as possible after harvesting or oxidization of the cut and wilting under high/dry field temperatures will result. Celery, likewise, will lose its crispness and go limp. When temperatures at harvest time are high even those less perishable commodities, such as potatoes, benefit from pre-cooling to remove excess field heat. Most decay organisms grow rapidly at temperatures near 80F. Serious decay can result within a few days if the product remains at elevated temperatures. Maintaining product freshness and quality are of vital importance if growers are to receive an optimum return on their investment.

The availability of mobile/portable refrigeration equipment to precool and cool fresh produce is of great economic importance to the agricultural industry. Western Growers Association estimated that in the short period of time between our Emergency Exemption request, dated October 30, 1989 and our December 29, 1989 Application for Renewal, that the covered mobile/portable refrigeration equipment cooled 18,402,996 cartons of product valued at \$56,343,064. This estimate was on the conservative side, and did not include product cooled by refrigeration equipment of those businesses who individually applied for "party to" DOT-E 10285 status.

INTEREST OF PORTABLE/MOBILE REFRIGERATION BUSINESSES

The portable/mobile refrigeration industry strongly supports the proposed rulemaking. It is important to these businesses that standards for portable/mobile refrigeration systems and system components and the safe transportation of portable/mobile refrigeration equipment on public roads be established. In addition to ensuring that the equipment subject to the regulations will be built, maintained, and transported in a manner that protects the public health and safety, the adoption of regulations will eliminate the current uncertainty the industry is operating under in the form of DOT-E 10285.

Owners of portable/mobile refrigeration equipment have a substantial financial investment in their equipment. For example, in response to a recent inquiry by Western Growers Association, the business stated that one of their self-contained automatic trailers (SCATs) is worth in the neighborhood of \$500,000.00. While there is no reason to believe that the August 31, 1998 expiration date of DOT-E 10285 would not be extended by the DOT once again, the potential of non-renewal clearly is of concern.

As stated previously, subject portable/mobile refrigeration equipment follows the harvest, thus providing refrigeration services to the fresh produce industry year round. The year round nature of this business provides full time employment, thus allowing these businesses to attract and keep on staff qualified and experienced individuals who operate, maintain and transport these mobile/portable refrigeration systems.

INFORMATION SUPPORTING PROPOSED RULE

Prior to the issuance of DOT-E 10285 there had been several incidents which occurred during transport of the subject equipment, spills which primarily resulted from broken piping or valves, usually caused by road debris striking the unit. The California Highway Patrol had a record of six such incidents occurring prior to November 13, 1989.

The portable/mobile refrigeration industry has had, since the DOT first made a determination that subject refrigeration equipment are "non-DOT specification packagings", the ultimate goal of establishing standards in regulation. It was understood that a demonstration of safe operation for a sufficient period of time was necessary in order that the DOT might undertake rulemaking confident that the proposed standards were sufficiently protective. Western Growers Association believes this demonstration of safe operation and transportation has been clearly established over the eight years following issuance of DOT-E 10285.

Since issuance of DOT-E 10285, there have been two minor incidents involving the subject mobile/portable refrigeration equipment during transit. In September of 1991 an incident resulted in the release of residual gas at the Arizona border. A copy of the State of Arizona, Department of Public Safety incident report and the sworn statement of the driver is attached (See Attachment C). The second minor incident occurred in March of 1997 when an odor was noticed at the Banning scales. A statement by the company which owns the equipment is attached (See Attachment D). There was no incident report filed.

Attachment E clearly demonstrates that the DOT-E 10285 specified requirements are protective of the public health and safety. The refrigeration equipment was prepared for transportation in accordance with the requirements of DOT-E 10285, and despite the fact that the tractor trailer pictured (Attachment E) was overturned and severely damaged as a result of a traffic accident, there was no release of residual gas.

CONCLUSION

Owners of portable/mobile refrigeration equipment have been operating safely in accordance with the provisions of DOT-E 10285 over the past eight years. Design and transportation safety control measures must be established in regulation to eliminate uncertainty and to ensure that all such equipment, whether newly constructed or older, is properly manufactured, operated, maintained, and transported to protect both the public health and safety and the viability of the industry.

LIST OF CONTACTS:

Petitioner:

Western Growers Association
Contact: Kathleen R. Mannion, Director
California Government Affairs
Western Growers Association
1005 12th Street, Suite A
Sacramento, California 95814
(916) 446-1435
(916) 446-0181 (fax)



Technical and Safety:

Mr. Donald Tragethon, Environmental and Safety Director
Western Precooling Systems
P.O. Box 5083
Oxnard, California 93031
(805) 486-6371
(805) 483-5493 (fax)
or
1037 Abbott Street
Salinas, California 93901
(408) 754-2835
(408) 754-0776

Mr. Dennis Stevens, General Manager
Growers Ice Company
1060 Growers Street
P.O. Box 298
Salinas, California 93902
(408) 424-5781
(408) 424-4280 (fax)

Safety and Enforcement:

Mr. Paul Horgan
California Highway Patrol
Hazardous Materials Section
P.O. Box 942898
Sacramento, California 94298
(916) 327-3310
(916) 446-4870 (fax)

ATTACHMENT A



REFRIGERATING ENGINEERS & TECHNICIANS ASSOCIATION

401 N. Michigan Avenue, Chicago, IL 60611-4267 312/527-6763 FAX: 312/527-6774

1997 OFFICERS

Chairman of the Board
GARY DUNN
Applied Process Cooling
Corporation
Modesto, California

President
BOB NORCROSS
Coldwater Seafood Corp.
Cambridge, Maryland

Executive Vice President
KIM SNOWDEN
FES West
Capitola, California

Vice President
JAY TADNER
Engineered Refrigeration
Chattanooga, TN

Sergeant-At-Arms
JEFF NANK
EVAPCO, Inc.
Westminster, Maryland

Treasurer
HERR ROSEN
H.A. Phillips and Company
St. Charles, Illinois

DIRECTORS

ARTHUR ABBOTT
Mycom Corp.
Livermore, California

ROBERT BASKINS
Duckwall-Pooley Fruit
Odell, Oregon

TOM BROWN
Frick Company
Waynesboro, Pennsylvania

CHIP CONLON
Devault Refrigeration
Service, Inc.
Telford, Pennsylvania

MIKE CONTI
Illingworth Corporation
Milwaukee, Wisconsin

MARK CURTIS
The Facility Group
Smyrna, Georgia

GERALD HUNDLEY
Garden City Community
College
Garden City, Kansas

MATT MEDEIROS
Kemper Refrigeration
Wilder, Idaho

CHRIS NEWMAN
FFS, Inc.
York, Pennsylvania

JIM PAYNE
EVAPCO, Inc.
Westminster, Maryland

DON TRAGETHON
Western Precooling Systems
Oxnard, California

RON WHISENANT
U.S. Cold Storage
Bakersfield, California

Executive Director
BARBARA CHAIK

TO: Kathy Mannion of Western Growers Association

FROM: RETA National Board of Directors

DATE: October 24, 1996

SUBJECT: DOT-E 10285 Letter of Endorsement

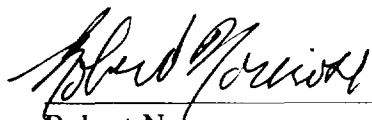
At the recent National Convention of the Refrigerating Engineers and Technicians Association (RETA) held October 23 through October 26, 1996 DOT-E 10285 was brought up and discussed before the National Officers and Board members.


RETA is a nation wide organization that was chartered as "National Association of Practical Refrigerating Engineers" (NAPRE) in 1910. We serve our members of the association through development of educational material and certification. Our goal is to provide information to the operators, technicians and engineers involved in the ammonia refrigeration industry to increase their ability to safely and effectively operate their refrigerated facility. RETA is structured with local chapters throughout the United States and on the national level has committees that work to meet the needs of the membership.

This portable refrigeration industry exemption was on our agenda. We reviewed the discussion and action taken by a previous RETA Board of Directors on November 10, 1991. After discussion of the issue and a review of the successful safety history of operating under the guidelines of the exemption since 1991, the RETA Board of Directors voted unanimously to support the proposed rule making.

Please find enclosed a copy of the correspondence from the RETA Board of Directors dated December 18, 1991. This board affirms the position stated in the 1991 letter.

Sincerely,


Robert Norcross
President, RETA


Gary Dunn, P.E.
Chairman of the Board, RETA

RN/dt



REFRIGERATING ENGINEERS & TECHNICIANS ASSOCIATION

101 N. Michigan Avenue, Chicago, IL 60611-1267 312/611-6610 FAX: 312/321-6869

1992 OFFICERS

Chairman Of The Board
DAVE MARTIN
Facilities Design, Inc.
Lancaster, Pennsylvania

President
JOHN HENDRICKSON
Gartner Refrigeration &
Manufacturing, Inc.
Minneapolis, Minnesota

Executive Vice President
KENNETH W. WILLIAMS
Hills Bros. Chemical Company
San Jose, California

Vice President
RUSSELL RAMOS
Western Precooling Systems
Salinas, California

Sergeant-At-Arms
MARK BROOMER
Pasadena, Maryland

Treasurer
HERBERT ROSEN
H. A. Phillips and Company
St. Charles, Illinois

DIRECTORS

STEVEN BENZ
Baltimore Air Coil
Baltimore, Maryland

JOHN CARROLL
Baltimore Air Coil
Baltimore, Maryland

GARY DUNN
APCCO
Modesto, California

OZ ENDERBY
Tri-Com Refrigeration, Inc.
Santa Fe Springs, California

KEVIN LONGE
Imcco, Inc.
Polo, Illinois

ART MARSHALL
Frick Company
Waynesboro, Pennsylvania

TOM NAU
RFSCO
Irvine, California

ROBERT NORCROSS
Coldwater Seafood Corporation
Cambridge, Maryland

LEE PARKER
L.R.E., Inc.
Kenmore, Washington

STEPHEN SHAUB
Webber/Smith Assoc., Inc.
Lancaster, Pennsylvania

KIM SNOWDEN
FES West
Capitola, California

JOE WEBB
Orlando, Florida

Executive Director
BARBARA CHALIK

TO: Kathy Mannion of Western Growers Association

FROM: RETA National Board of Directors

DATE: December 18, 1991

SUBJECT: DOT-E 10285 Letter of Endorsement

At the recent National Convention of the Refrigerating Engineers and Technicians Association held November 6 through November 10, 1991, DOT-E 10285 was brought up and discussed before the National Officers and Board members.

This portable refrigeration industry exemption was on our meeting agenda. A copy of DOT-E 10285 was sent out to each officer and board member in early October for review. A letter from Mr. Dick Crabb, president of Post-Harvest Technologies, accompanied each copy of DOT-E 10285 with a request that the RETA National Board officially recognize and endorse this document.

We are pleased to state that after a lengthy discussion a motion was made and the National Board of RETA voted unanimously to endorse DOT-E 10285 as it is presently written. RETA is proud to stand behind this very "unique" document. We normally deal with codes and regulations that have to do with the installation and/or operation of a system. DOT-E 10285 deals with the transportation of ammonia refrigeration systems and system components, along with some specific design criteria that ensures that this equipment will meet agreed upon standards.

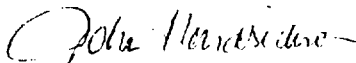
From our perspective, DOT-E 10285 satisfies two major concerns regarding the transportation of this refrigeration equipment with a practical and common sense approach. The first concern is that this equipment does need to be "moved" over state highways in order to follow the seasons of the various types of produce that require these unique methods of cooling. We recognize that the use of these refrigeration systems and components is crucial to the industries that use them. The second concern, since the equipment moves on public streets and highways, is that of public health and safety. This is, and must always be, everyone's primary concern.

We feel the "safety control measures" as stated in Section 7 of DOT-E 10285 "cover all the bases" so to speak, and when implemented, will all but eliminate any risks involved with the transportation of this equipment.

RETA is also willing to publish this document, DOT-E 10285, as it now exists in a RETA Technical Bulletin. This Technical Bulletin will serve as an official reference document and it will be mailed out to every RETA member. We can also explain the history of this "exemption" and make any other necessary commentary. This Technical Bulletin can also be used as a reference in the future by other agencies, i.e. DOT.

Finally, RETA applauds the "cooperative effort" that has existed between the two governmental agencies and the Technical Committee that is representing the portable refrigeration industry. It seems that this cooperation is often non-existent. Speaking on behalf of the industrial refrigeration industry, RETA wants to recognize the positive and helpful attitude that the California Highway Patrol and the Department of Transportation have shown in this process.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Hendrickson".

John Hendrickson
President, RETA

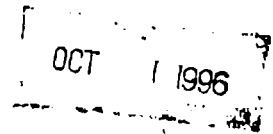
JG/jkv

ATTACHMENT B



U.S. Department
of Transportation
Research and
Special Programs
Administration

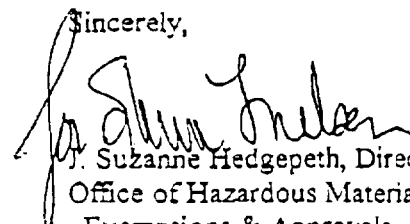
400 Seventh Street, S.W.
Washington, D.C. 20590



ATTENTION EXEMPTION HOLDER(S)

Enclosed is the 3rd Revision of DOT-E 1025. Please note the
modification(s) to Paragraph(s) 2,

Sincerely,


J. Suzanne Hedgepeth, Director
Office of Hazardous Materials
Exemptions & Approvals



U.S. Department
of Transportation

Research and
Special Programs
Administration

400 Seventh Street, S.W.
Washington, D.C. 20590

OCT 1 1996

DOT-E 10285
(THIRD REVISION)

1. Western Growers Association (WGA), Newport Beach, California, on behalf of certain members of the portable refrigeration industry and others listed in Appendix I, is hereby granted an exemption from certain provisions of this Department's Hazardous Materials Regulations to transport or offer for transportation in commerce packages prescribed herein of the Division 2.2 (nonflammable gas) described in paragraph 3 below subject to the limitations and special requirements specified herein. This exemption authorizes shipment of residual amounts of refrigerant gas, including ammonia, in non-DOT specification packagings, and provides no relief from any regulation other than as specifically stated. Each of the following is hereby granted the status of a party to this exemption (SEE APPENDIX I).

2. BASIS. This exemption is based on WGA's exemption application dated September 18, 1996, submitted in accordance with 49 CFR 107.105. The granting of party status is based on the following application submitted in accordance with 49 CFR 107.111 and the public proceeding thereon (SEE APPENDIX II).

3. HAZARDOUS MATERIALS (Descriptor and class). Residual ammonia, classed as Division 2.2.

4. PROPER SHIPPING NAME (49 CFR 172.101). Ammonia, Compressed gas n.o.s., or Refrigerant gas n.o.s. as appropriate.

5. REGULATION AFFECTED. 49 CFR 173.29, 173.315.

6. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle.

7. SAFETY CONTROL MEASURES. Packaging prescribed is a non-DOT specification packaging which may or may not be mounted on a motor vehicle and is a component of a mobile/portable refrigeration system. These components are commonly known as vacuum tubes, accumulators, refrigeration unit, ice maker, pressure cooler or evaporator. Refrigerant gas, when referenced as such throughout this exemption, intends to include ammonia. Each packaging must conform with the following:

a. Total volumetric capacity per vehicle may not exceed 2,500 gallons.

OCT 1 1996

Continuation of 3rd Rev. DOT-E 10285

Page 2

b. Packaging put into service after October 1, 1992 shall have all components and piping rated at an MAWP of 250 psig. However, regardless of the date a packaging was put into service, a component or piping which will contain liquid refrigerant during transport shall have an MAWP of not less than 250 psig.

(i) Packaging put into service on or before June 1, 1991 shall have a design pressure or maximum allowable working pressure (MAWP) of the refrigeration system rated at not less than 250 psig for the piping and components along the system "high side" line and shall not be rated at less than 150 psig for the system "low side" piping and components, however, such packagings must be marked in accordance with paragraph 8.f.

(ii) The system "LOW SIDE" must have a pressure gauge with corresponding temperature markings mounted so as to be easily read from the right side of trailer, standing on ground. The gauge is to be permanently tagged "SATURATION GAUGE". "LOW SIDE" pressure shall not exceed 150 psig during transport.

c. All tanks (i.e. receivers, accumulators and oil separators) must be designed, fabricated, and maintained in accordance with the ASME Code. Piping that contains anhydrous ammonia must be ASTM schedule A53B or A106 40 for piping of 2" and over and schedule 80 for piping less than 2".

d. Any part of the piping or tank separated by or closed off from another component by means of a valve, blank flange or other device during transit must be equipped with a pressure relief valve set at not more than the component or piping MAWP pressure. System inspection, testing and marking shall be as follows:

(i) Each refrigeration system must be visually inspected and marked every year. The visual inspection must include items of 49 CFR 180.407(d)(2) applicable to refrigeration systems. A certificate of the annual visual inspection shall be dated and signed by the person performing the inspection and must contain their company affiliation. The certificate shall remain at the equipment owners office.

OCT 1 1996

Continuation of 3rd Rev. DOT-E 10285

Page 3

(ii) Each refrigeration system must be proof pressure tested and marked every two years beginning with the initial pressure test performed after manufacture. Additional pressure tests shall be performed after any modification, repair or damage to a part of the system pressurized with refrigerant gas. System test pressures shall not be less than one and one half (1.50) times the rated MAWP of the system component or piping.

(iii) Pressure relief valves which are not replaced every five years must be successfully tested and marked every two years at the MAWP for the components or piping to which they are attached. Pressure relief valves may be replaced and marked every 5 years with valves certified at the appropriate MAWP, in which case the valves need not be tested every two years. Valves which do not pass shall be repaired or replaced.

(iv) Marking mentioned above shall be according to paragraph 8.f.

e. Prior to movement of packages over public highways, each packaging must be drained of liquid anhydrous ammonia to the greatest extent practical. Residual liquid anhydrous ammonia in each component or piping shall not be more than one percent of the component's total volumetric capacity, or 10 gallons, whichever is less. Liquid lading shall only be allowed in system components with an MAWP rated at not less than 250 psig. Components and piping with a rated MAWP of less than 250 psig must be vented of gaseous lading to the extent that the MAWP is not exceeded at transport temperatures of up to 130°F

f. Any part of the piping or tank separated by or closed off from another component by means of a valve, blank flange or other device during transit must be equipped with a pressure relief valve set at MAWP.

g. All lines that must be disconnected for transportation purposes shall be closed by means of a cap, plug or blank flange and valves at the end of disconnected lines must be tightly closed. Piping and components rated with an MAWP of 250 psig or greater and which contain liquid anhydrous ammonia must be isolated by appropriate means from piping and components marked "LOW SIDE".

OCT 1 1996

DOT 100 P.6 10

Continuation of 3rd Rev. DOT-E 10285

Page 4

8. SPECIAL PROVISIONS.

a. A copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.

b. Drivers shall be instructed as to necessary safeguards and proper procedures in the event of unusual delay, fire or accident. Drivers shall be familiar with all of the hazards of the particular refrigerant gas used in the system being transported and be knowledgeable of the emergency response procedures particular to the refrigerant in case of an incident. Additionally, drivers shall be trained in proper procedures for mitigation of refrigerant releases from the system being transported.

c. All packagings must meet all of the marking and placarding requirements for bulk packages as prescribed in Subparts D and F of Part 172 and reports and all of the requirements for records of inspections, including retest marking, as prescribed in §173.33.

d. All shipments must be accompanied by shipping papers.

e. Owners and shippers of refrigeration systems may not use a motor carrier assigned an "unsatisfactory" safety rating by the Office of Motor Carrier Field Operations, Federal Highway Administration for transportation of these refrigeration systems.

f. (i) Each packaging must be marked within 24 inches of the placard "DOT-E 10285" in accordance with Appendix B, Subpart B, of Part 107 on two opposing sides with 2 inch high letters in a contrasting color so the marking is readily visible from the direction it faces. Additionally, for anhydrous ammonia the words "Inhalation Hazard" shall be marked as required in note #13 in 172.102; and within 24" of the placard when practicable.

(ii) Evidence of testing specified in paragraph 7.e.(i) and (ii) shall be painted on right forward side of the packaging, or within 24" of the placard, with 2" high letters indicating type of last test (V = visual, P = pressure; hydrostatic or pneumatic) and month/year in which it was performed.

OCT 1 1996

Continuation of 3rd Rev. DOT-E 10285

Page 5

(iii) Packagings put into service before June 1, 1991, which have piping and components carrying only gaseous lading during transport, and have a rated MAWP less than 250 psig and equal to or greater than 150 psig, must label such piping and components "LOW SIDE" in a permanent and clearly visible manner.

(iv) Pressure relief valves must be durably marked with either the date of last test, set-pressure, and testing company or date of last replacement, set-pressure, and certifying company - whichever applies.

10. COMPLIANCE. Failure by a person to comply with any of the following may result in suspension or revocation of their exemptions and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. Section 5101 et seq:

- o All terms and conditions prescribed in this exemptions and the Hazardous Materials Regulations, 49 CFR Parts 171 - 180.
- o Registration required by 49 CFR 107.106 et seq., when applicable.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect.

9. REPORTING REQUIREMENTS.

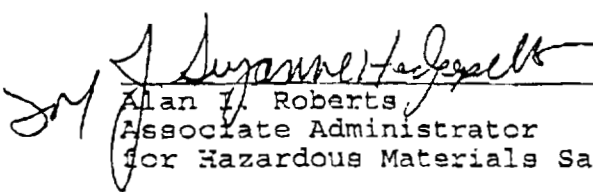
a. The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (49 CFR 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incidents involving the package and shipments made under the terms of this exemption.

b. Any fatigue, cracking, corrosion or failure of any component of the refrigeration system must be reported to the AAHMS.

10. EXPIRATION DATE. August 31, 1998.

Issued at Washington, D.C.

OCT 1 1996


Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

(DATE)

OCT 1 1996

Continuation of 3rd Rev of DOT-E 10285

Page 6

Address all inquiries to: Associate Administrator, for Hazardous Materials Safety, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590. Attention: DHM-31.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

Dist: FHWA.
PO: sln

OCT | 1996

Continuation of 3rd Rev. DOT-E 10285

Page 7

APPENDIX I

Hill Brothers Chemical, San Jose, CA -PTE-1.
D & F Cooling, Holtville, CA -PTE-2.
Agri-Cool Inc, Holtville, CA -PTE-3.
Central Cooling Company, Freemont, CA -PTE-4.
Growers Ice Company, Salinas, CA -PTE-5.
Western Precooling, Salinas, CA -PTE-6.
The Uni-Kool Company, Salinas, CA -PTE-7.
Larson Cooling Company, Salinas, CA -PTE-8.
Post Harvest Tech., Salinas, CA -PTE-9.
Tanimura & Antle, Salinas, CA -PTE-10.
Bud of California, Salinas, CA -PTE-11.
Nunes Cooling, Salinas, CA -PTE-12.
B.C. Systems, Salinas, CA -PTE-13.
Growers Exchange, Salinas, CA -PTE-14.
LaRoche Industries, Lodi, CA -PTE-15.
Andrew Smith Company, Salinas, CA -PTE-16.
Hoson Produce, Pasadena, CA -PTE-17.
Skyview Cooling Company, Yuma, AZ -PTE-18.
Doublecool Company, Holtsville, CA -PTE-19.
Portacool, Inc., Holtsville, CA -PTE-20.
Robert S. Andrews, Bakersfield, CA -PTE-21.
Sahara Packaging Company, Brawley, CA -PTE-22.
Sam Andrews' Sons, Bakersfield, CA -PTE-23.
Andrews Distribution Company, Holtville, CA -PTE-24.

OCT 1 1996

Continuation of 3rd Rev. DOT-E 10285

Page 8

APPENDIX II

Western Growers Association's application dated November 26, 1991
submitted on behalf of:

Hill Brothers Chemical
D & F Cooling
Agri-Cool Inc.
Central Cooling Co.
Growers Ice Co.
Western Precooling
The Uni-Kool Co.
Larson Cooling Co.
Post Harvest Tech
Tanimura & Antle
Bud of California
Nunes Cooling
B.C. Systems
Growers Exchange
LaRouche Industries
Andrew Smith Co.
Hoson Produce
Skyview Cooling Co.

ATTACHMENT C

STATEMENT
OF
SCOT WESLEY SWAFFORD

RE: Hazardous Material Incident
September 26, 1991

On September 26, 1991, at approximately 7:30 p.m., I entered the Arizona Port of Entry on Interstate 10 at Mile Post 383 on the westpoint side heading west.

I was hauling an Implement of Husbandry being a portable vacuum tube. Prior to getting to the actual scales and Port of Entry, I attempted to use the by-pass lane realizing that I had a 12'6" wide load. However, the by-pass lane that I noticed to my right was blocked by the orange safety cones. I stopped before proceeding onto the scale area to try and figure out what direction to proceed. At that time, a port official was leaning out the window and motioning me to proceed forward onto the scales. At that point in time, I wasn't sure exactly what I should do; however, with the port official directing me on the scales, and truck traffic backing up behind me, I followed his directions to proceed directly onto the scale.

Upon entering the scales, the port official asked me how wide a load I had and I responded it was 12'6" and he advised me I should have used the by-pass lane. I remarked to him that the by-pass lane that I could see was blocked by safety cones. He directed me to proceed forward so that I didn't continue to block other traffic trying to flow through the port.

I was concerned about a clearance problem in proceeding forward, and directed my attention to the left where I felt I had a serious clearance problems. Upon exiting the scale area, I had no choice but to proceed directly over a concrete shoulder area directly in front of me. At that point, apparently a valve on my right side of the vacuum tube brushed against the concrete shoulder damaging the valve and stem and causing residual ammonia vapor to be released by the portable vacuum tube. I then proceeded forward a short distance, parked in the parking lot area and left the truck, as I was concerned about the vapor.

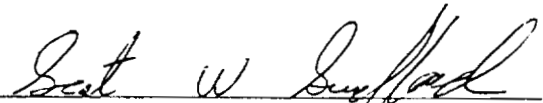
After the pressure dropped off, the ammonia vapor release stopped. I noticed after subsequent trips through that particular port that new signs had been posted to

clearly indicate the overwidth by-pass area, which I felt was confusing the day the incident occurred.

A F F I D A V I T

I, SCOT WESLEY SWAFFORD, declare under penalty of perjury, that the foregoing Statement is true and correct.

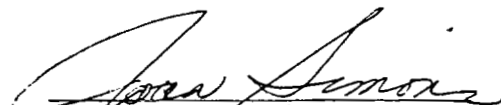
Executed this 4th day of December, 1991 at Yuma, Arizona.


SCOT WESLEY SWAFFORD

STATE OF ARIZONA }
COUNTY OF YUMA) ss.

Subscribed and sworn to before me this 4th day of December 1991, by Scot Wesley Swafford.

My Commission Expires 6/19/95


Notary Public

OFFENSE REPORT
INCIDENT REPORT

DEPARTMENT OF PUBLIC SAFETY

91-39270

2. DATE & TIME REPORTED 9/26/91 1930		3. TYPE OF OFFENSE/INCIDENT HAZARDOUS MATERIAL		4. STATUTE NO.		5. COUNTY COCHISE		6. ROUTE TO:	
7. DATE & TIME OCCURRED		8. LOCATION OF OCCURRENCE		9. NAME OF BUSINESS RECEIVED AGRICULTURE OR H		10. LICENSE #		11. LIC. NO.	
12. NAME									
14. BUSINESS ADDRESS				15. OCCUPATION 91 OCT 15 27		16. SEX		17. RACE	
22. SOCIAL SECURITY NUMBER		23. DRIVERS LICENSE NO.		24. PLACE OF BIRTH		25. DATE OF BIRTH			
26. OTHER				27. HOME PHONE		28. BUSINESS PHONE			
29. COLOR		30. COL.		31. YR.		32. MAKE		33. BODY STY.	
34. LIC. NO.		35. STATE		36. OTHER I.D.		37. VEHICLE DISPOSITION			
38. NEXT OF KIN		39. ADDRESS		40. PHONE		41. RELATION.			
42. PERSON WHO REPORTED OFFENSE TO D.P.S.		43. ADDRESS		44. HOME PHONE		45. BUS. PHONE			
46. NAME SKYVIEW COOLING Co.				47. ADDRESS 3111 E GILA RIDGE RD. YUMA AZ 85365					
48. BUSINESS ADDRESS				49. OCCUPATION		50. SEX		51. RACE	
52. SOCIAL SECURITY NO.		53. DRIVERS LICENSE NO.		54. PLACE OF BIRTH		55. DATE OF BIRTH			
56. OTHER				57. ALIAS, MARKS, SCARS, TATOOS, ETC.					
58. LOCATION OF ARREST		59. DATE & TIME OF ARR.		60. LOCATION BOOKED OR REF.		61. CITATION NUMBER (S)			

LIST ALL OTHER SUSPECTS/WITNESSES

DRIVER: SCOT WELLEY SWAFFORD; W/M; D.O.B. 1/10/67; SSN# 521 43 4543;
D/L# H274892 Co.

RESPONDING AGENCIES: SAN SIMON FIRE DEPARTMENT; ARIZONA DEPT. OF
PUBLIC SAFETY.

INVOLVED AGENCIES: ARIZONA DEPT. OF TRANSPORTATION, MOTOR VEHICLE
DIVISION; ARIZONA DEPT OF AGRICULTURE.

66. THE FOLLOWING WARNINGS WERE GIVEN TO THE ARRESTED PERSON:		Subject informed of the Offense(s) for which Arrested. <input type="radio"/> YES <input type="radio"/> NO	
1. YOU HAVE THE RIGHT TO REMAIN SILENT.		Subject advised of his Rights <input type="radio"/> YES <input type="radio"/> NO	
2. ANY STATEMENT YOU MAKE CAN AND WILL BE USED YOU IN A COURT OF LAW.		Subject Indicated he Understood <input type="radio"/> YES <input type="radio"/> NO	
3. YOU HAVE THE RIGHT TO CONSULT WITH AN ATTORNEY HAVE HIM PRESENT PRIOR AND DURING QUESTIONING.		Subject Waived his Rights <input type="radio"/> YES <input type="radio"/> NO	
4. IF YOU CANNOT AFFORD AN ATTORNEY, ONE WILL BE APPOINTED FOR YOU PRIOR TO ANY FURTHER QUESTIONING, IF YOU SO DESIRE.		Juvenile Advised that he may be remanded to Adult Court <input type="radio"/> YES <input type="radio"/> NO	
		Parental Approval Obtained for Questioning of Juvenile by Arresting Officer? <input type="radio"/> YES <input type="radio"/> NO	
		PARENT OR JUVENILE P.O. CONTACTED (HOUR) <input type="text"/>	
		SUBJECT ADVISED OF RIGHTS (HOUR) <input type="text"/>	
67. PENDING <input type="radio"/>		68. OFFICER(S) I.D. DISTRICT	
CLOSED BY ARREST <input type="radio"/>		C. C. Long 1077 16.5	
CLOSED, OTHER <input type="radio"/>		69. REVIEWED BY: 20 55/9	
		70. DATE & TIME TYPED	
		71. CLERK NO.	

RECORDS

DPS 802-01220 5/88



STATE OF ARIZONA
DEPARTMENT OF PUBLIC SAFETY

SUPPLEMENTARY REPORT

1. DATE	2. TYPE OF OFFENSE	3. OR. NO. 91-39220
4. DATE OCCURRED	5. LOCATION OF OCCURRENCE	6. ROUTE TO
7. SUSPECT OR VICTIM	8. ADDRESS	PAGE 2

LOCATION OF OCCURANCE: ARIZONA PORT OF ENTRY ON I-10 AT MP 383,
WEST BOUND SIDE.

ON 9/26/91 AT 1930 HRS A RELEASE OF ANHYDROUS AMMONIA OCCURED
AT THE WEST BOUND PORT OF ENTRY ON I-10 AT MP 383.

I WAS NOTIFIED AN AMMONIA LEAK AT THE PORT. AT 1950 HRS. I RESPONDED
AND ARRIVED AT 2050 HRS.

UPON MY ARRIVAL I NOTED THAT THE VEHICLE INVOLVED HAD BEEN
ISOLATED IN THE PARKING LOT. SAN SIMON FIRE DEPARTMENT WAS ON
THE SCENE. THERE WAS NO LEAK AT THE TIME OF MY ARRIVAL.

ALSO ON SCENE WERE DPS OFFICERS PAUL MAINE #4172 AND CHUCK
HAMMOCK #4043. I WAS GIVEN THE FOLLOWING INFORMATION:

- 1) THE VEHICLE WAS BEING DRIVEN ACROSS THE SCALES AT THE PORT. THE
TRAILER WIDTH WAS 12'6", 6 INCHES WIDER THAN THE SCALE CAN
ACCOMMODATE. AS THE TRAILER CAME ACROSS THE SCALE A VALVE
ON THE BOTTOM OF THE RIGHT SIDE PRESSURE TANK CAME IN CONTACT WITH
CURBING AND BROKE. AMMONIA WAS RELEASED AND A VAPOR CLOUD
FORMED. THE TRUCK PULLED ON ACROSS THE SCALE AND STOPPED IN
THE PARKING LOT STILL PRODUCING THE VAPOR CLOUD.
- 2) TWO INDIVIDUALS WERE OVERCOME BY THE VAPOR. CLAUDIA ELLIOT,
AN INSPECTOR FOR THE ARIZONA DEPARTMENT OF AGRICULTURE AND
THERESA R. CARTER W/F D.O.P. 2/21/54 WHO WAS IN THE SLEEPER
BERTH OF A TRUCK WHICH WAS IN THE PARKING LOT. BOTH OF THESE
PEOPLE WERE TRANSPORTED TO THE HOSPITAL IN WILLCOX.
- 3) THE PRESSURE BLEED OFF AND THE RELEASE STOPPED. THE SAN SIMON
FIRE DEPARTMENT WASHED DOWN THE PARKING LOT AND SCALES.

THE VEHICLE WHICH CAUSED THE RELEASE WAS FOUND TO BE A TURE COOLER,
A DEVICE USED TO COOL DOWN LETTUCE AFTER IT IS BROUGHT IN FROM THE
FIELD AND BEFORE IT IS PLACED ON TRUCKS FOR TRANSPORTATION TO MARKET.

PENDING <input type="checkbox"/>	10. OFFICER(S)	I.D.	DISTRICT	11. REVIEWED BY
CLOSED BY ARREST <input type="checkbox"/>	C. P. LONG	1077	16.5	RC #3566
UNFOUNDED <input type="checkbox"/>				12. DATE & TIME TYPED
EXCEPTIONALLY CLEARED <input type="checkbox"/>				13. CLERK
PREVIOUSLY CLEARED <input type="checkbox"/>				

DPS 802-01221 8/86

DISTRIBUTION: WHITE COPY - RECORDS YELLOW COPY - PROSECUTOR
PINK COPY - WORKING COPY GOLDENROD COPY - CONTROL COPY



STATE OF ARIZONA
DEPARTMENT OF PUBLIC SAFETY

SUPPLEMENTARY REPORT

1. DATE	2. TYPE OF OFFENSE	3. CR. NO. 91-39220
4. DATE OCCURRED	5. LOCATION OF OCCURRENCE	6. ROUTE TO
7. SUSPECT OR VICTIM	8. ADDRESS	PAGE 3

ANHYDROUS AMMONIA IS USED AS THE COOLANT FOR THE OPERATION. A TELEPHONE CONVERSATION WITH KEVIN ALSOBROOK, AN EMPLOYEE OF SKYVIEW COOLING, REVEALED THAT UNDER NORMAL OPERATION THE COOLER USES 600 POUNDS OF ANHYDROUS AMMONIA UNDER 150 POUNDS OF PRESSURE. BEFORE BEING TRANSPORTED THE AMMONIA IS PUMPED OFF OF THE COOLER. MR. ALSOBROOK FELT THAT THE VAPE CLOUD WAS CAUSED BY RESIDUAL AMMONIA AND VAPORS LEFT IN THE SYSTEM AFTER PUMP OFF. AFTER INITIAL INVESTIGATION THE VEHICLE WAS RELEASED AND WAS TAKEN TO WILLOW WHERE THE COOLER WAS SET UP FOR USE. AFTER THE END OF HIS SHIFT AGRICULTURE INSPECTOR CLINTON HEAD WAS TAKEN TO THE HOSPITAL IN WILLOW SUFFERING FROM RESPIRATORY DISCOMFORT. MR. HEAD WAS HELD FOR OBSERVATION AND RELEASED THE FOLLOWING DAY. CLAUDIA ELLIOT AND THELMA CARTER WERE TREATED AND RELEASED THAT NIGHT. THE WASHDOWN BY THE SAN SIMON FIRE DEPARTMENT WAS DEEMED ADEQUATE CLEAN UP FOR THE INCIDENT

PENDING <input type="checkbox"/>	10. OFFICER(S) E. LONG 1077	DISTRICT 26-3	11. REVIEWED BY RC #3968
CLOSED BY ARREST <input checked="" type="checkbox"/>			12. DATE & TIME TYPED
UNFOUNDED <input type="checkbox"/>			13. CLERK
EXCEPTIONALLY CLEARED <input type="checkbox"/>			
PREVIOUSLY CLEARED <input type="checkbox"/>			

ATTACHMENT D



**WESTERN
PRECOOLING
SYSTEMS**

12/18/97

Re: DOT - E 10285

Recap of minor release incident during transportation

On March 26, 1997 a refrigeration trailer in transport from Yuma to Salinas was sent to the inspection area of the Banning Scales because of a tire problem.

After the unit was in the sheltered area it was detected that there was an odor being put off from it. The problem was a hairline crack at the threads of a 1/4" pipe nipple that entered a manual control valve (valve was closed) going to the oil management system of the refrigeration compressors. Service personnel responded from Yuma to mitigate the problem.

The total amount of residual gas available to leak was 20.8 pounds. The pressure of the system was 45 psig. Since the package did not void itself of residual gas (pressure was 30 psig when problem was mitigated) the total amount of residual gas lost may have been 7 pounds. This loss was over a twelve hour period.

A follow up investigation found that the probable cause for the thread joint failure stemmed from a vibration that had set up from one of the refrigeration compressors. This source of vibration was resolved.

Respectfully,

Western Precooling Systems
Don Tragethon
Environmental / Safety Director

43990 FREMONT BLVD.
FREMONT, CA 94538

P.O. BOX 1338
FREMONT, CA 94538

510-656-2220
FAX-510-656-1137

ATTACHMENT E



**W E S T E R N
P R E C O O L I N G
S Y S T E M S**

12/18/97

Re: DOT - E 10285

Recap of traffic accident involving a refrigeration trailer while in transport.

On November 20, 1994 approximately 5 miles east of Interstate 5 on Highway 46 one of our refrigeration trailer packages was involved in a traffic accident. A pickup truck failed to stop at a stop sign and ran into the tractor trailer combination. The trailer was overturned.

The damage to the trailer was substantial. It was rendered unusable. Even though pipes and components were bent from the forces of the collision and overturn, there was no breakage of the piping components that carried the residual ammonia gas.

There was no hazardous material report generated involving this incident as there was no release of residual gas. The trailer was prepared for transportation following the guidelines of the DOT-E-10285 exemption.

Please see the photographs submitted which show the extent of the damages to this unit.

Respectfully,

Western Precooling Systems
Don Tragethon
Environmental / Safety Director

43990 FREMONT BLVD.
FREMONT, CA 94538

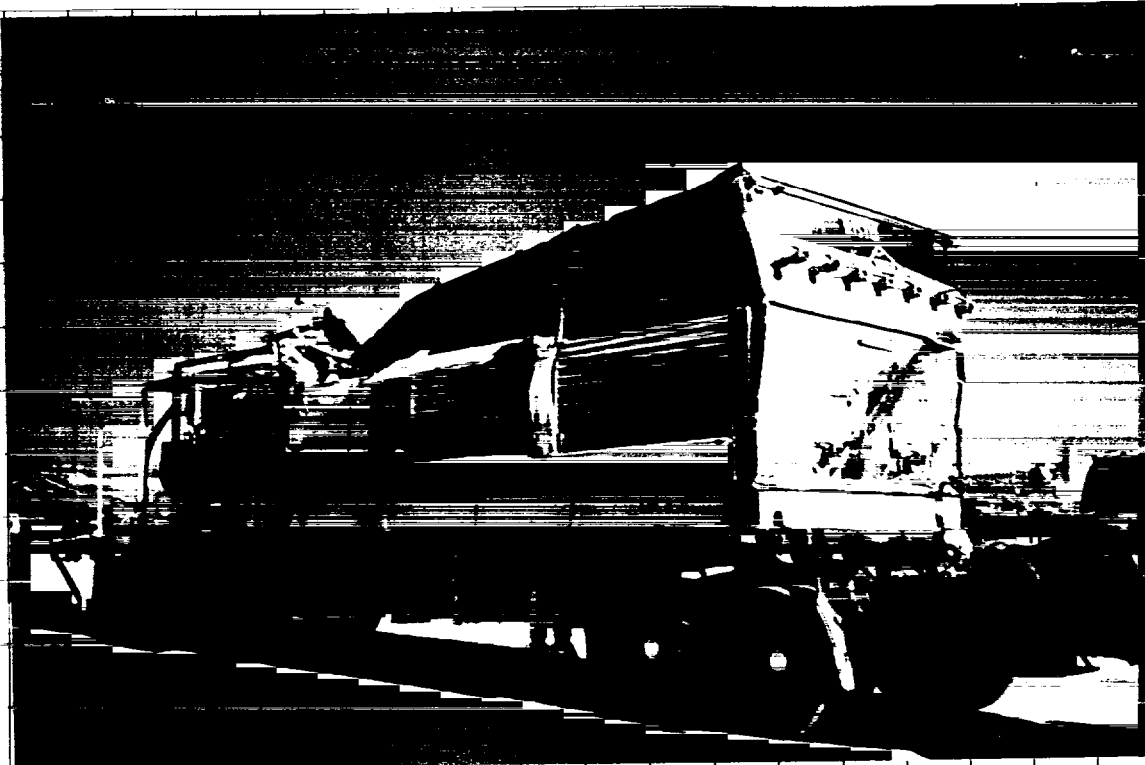
P.O. BOX 1338
FREMONT, CA 94538

510-656-2220
FAX-510-656-1137

Date 11-20-94
Subject B21 TRAFFIC ACCIDENT



**WESTERN
PRECOOLING
SYSTEMS**

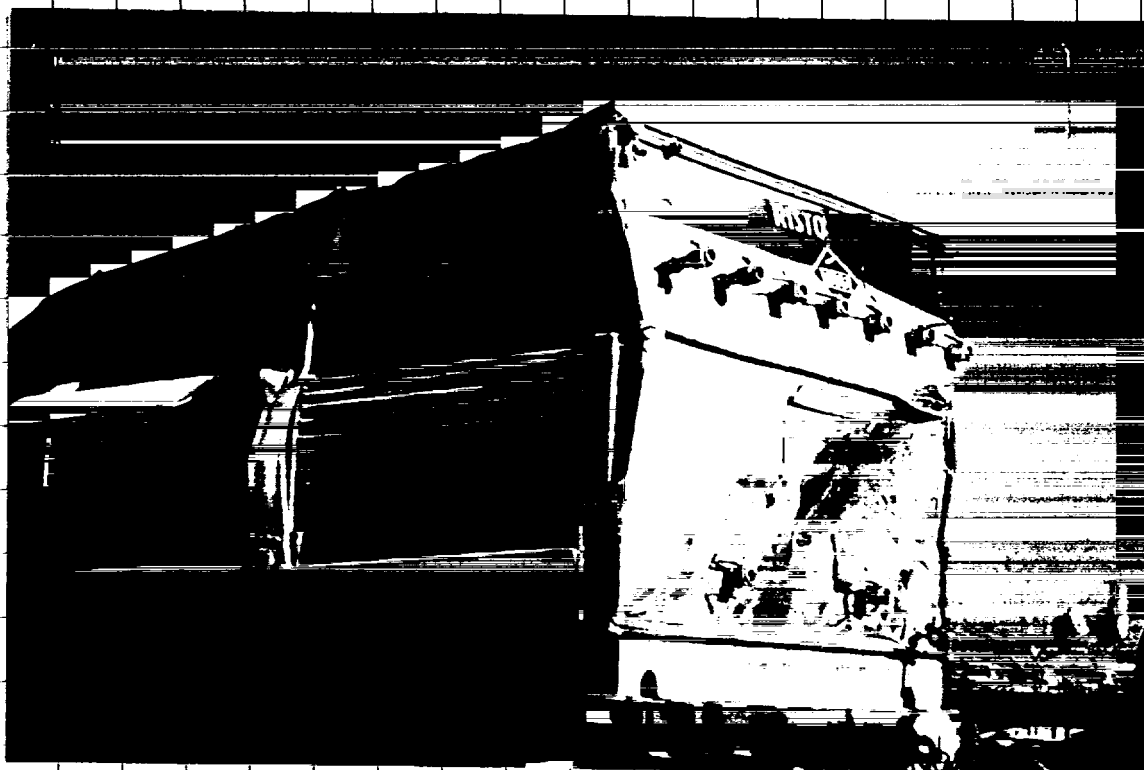


REFRIGERATION
TRAILER

"TOTALLED"

NO RESIDUAL
AMMONIA
RELEASED

PIPES BROKE,
BUT DID NOT
BREAK

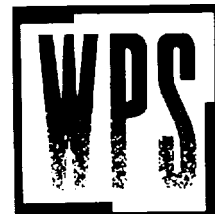


43990 FREMONT BLVD.
FREMONT, CA 94538

P.O. BOX 1338
FREMONT, CA 94538

510-656-2220
FAX-510-656-1137

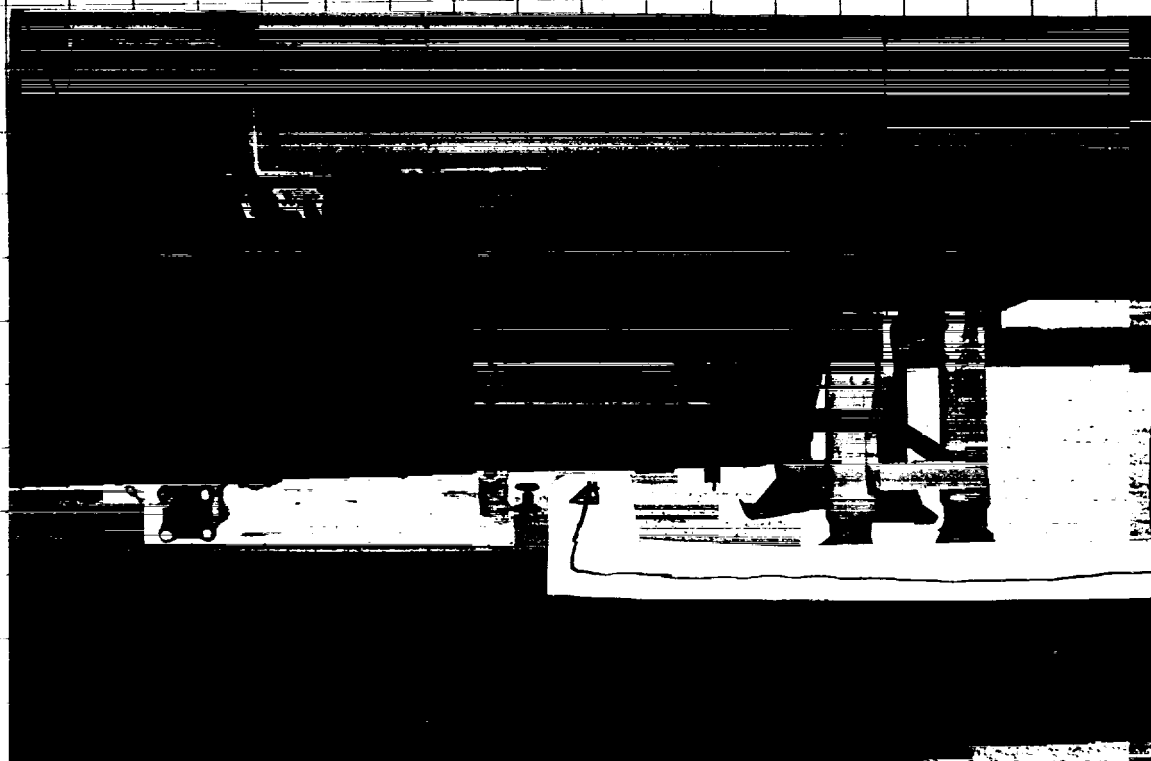
Date 11-20-94
Subject R-21 - Traffic Accident



**WESTERN
PRECOOLING
SYSTEMS**



Condenser
Piping -
Bent



Refrigerant
Receiver -
No Damage
"Empty"

43990 FREMONT BLVD.
FREMONT, CA 94538

P.O. BOX 1338
FREMONT, CA 94538

510-656-2220
FAX-510-656-1137



DOT/RSPA/OHMS
DOCKETS UNIT

98 JAN 20 PM 2:48

January 15, 1998

U. S. Department of Transportation
Attn: Ms. Barbara Alston,
Public Dockets Office
Research & Special Programs Administration,
U.S. Department of Transportation, DHM-30, Room 8421
400 Seventh Street S.W.,
Washington, D. C. 20590-0001

Re: SUPPORT of WGA Petition for Rulemaking (dated December 22, 1997) to add a new section to 49 CFR governing design of and transportation safety control measures for portable/mobile refrigeration systems. (Note: Proposed rule's design standards and transportation control measures are the same as those contained in DOT-E 10285)

Dear Ms. Alston:

I am writing this letter in support of the Western Growers Association (WGA) Petition for Rulemaking to add a new section to 49 CFR governing design of and transportation safety control measures for portable/mobile refrigeration systems.

Mann Packing has been growing and shipping produce since 1939 and today ranks as a leader in the Fresh Produce Industry in the commodities of Broccoli, and Mixed Vegetables. We currently grow, harvest, cool and ship our commodities out of the Salinas and Yuma, Az. growing districts. The two growing districts dictate that we must move our portable refrigeration systems each year to properly precool (remove field heat which, if not removed can reduce the shelf life of our products) our crops prior to shipping.

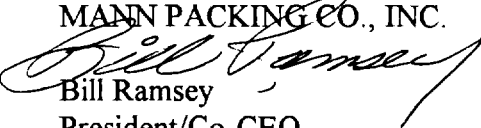
The availability of portable/mobile refrigeration equipment is of great importance to our operations. We estimate that during the course of a year this equipment cools approximately 5,000,000 cartons of produce valued at approximately \$32,500,000. In today's operating environment in the Fresh Vegetable Industry, we must continually maintain a consistent level of GMP (Good Manufacturing Practices) at both locations to insure that our products arrive (as fresh as possible) in good condition to our customers.

The portable/mobile refrigeration industry has been operating under a DOT granted emergency exemption for almost eight years. I urge that regulations incorporating design and safety control measures be adopted by the U. S. Department of Transportation so that the refrigeration businesses which provide this vital service, and the agricultural industry which utilizes this service, have the assurance of continuing their postharvest cooling operations without interruption.



Postharvest Temperature Management is an important component in the overall chain of events in terms of Food Safety, that occur prior to our produce arriving on the Grocers Shelf.

Very truly yours,
MANN PACKING CO., INC.


Bill Ramsey
President/Co-CEO



The Thermal Engineering Company

MYCOM CORPORATION
6336B Patterson Pass Rd.
Livermore, CA 94550

Tel: 510 294-5252
Fax: 510 294-5253

DOT/RSPA/OHMS
DOCKETS UNIT
98 JAN 20 PM 2:48

January 14, 1998

RE: SUPPORT OF WGA PETITION FOR RULEMAKING (DATED
DECEMBER 22, 1997)

MS. BARBARA ALSTON
U.S. DEPARTMENT OF TRANSPORTATION
PUBLIC DOCKETS OFFICE
RESEARCH & SPECIAL PROGRAMS
ADMINISTRATION
DHM-30, ROOM 8421
400 SEVENTH STREET S.W.
WASHINGTON, D.C. 20590-0001

Dear MS. ALSTON,

Mycom Corporation is a manufacturer of equipment used in the portable agricultural post-harvest cooling industry. The equipment we produce has been successfully used for many years in this application. The equipment design and standards of construction are to ASME standards, which ensures good safety performance.

We would like to encourage the DOT to approve the petition.

Sincerely,

KELLY SASAKI
PRESIDENT
MYCOM CORPORATION

JC

DOT/RSPA/OHMS
DOCKETS UNIT

98 JAN 20 PM 2:48

 **LDEN ACRE FARMS, INC.**

P.O. BOX 371, THERMAL, CALIFORNIA, 92274 (760) 399-5666

January 14, 1998

Attn: Ms. Barbara Alston
Public Dockets Office
Research & Special Programs Admin.
U.S. Dept. of Transportation, DHM-30, Room 8421
400 Seventh Street S.W.
Washington, D.C. 20590-0001

Dear Ms. Alston:

This letter is to ask for your support of WGA Petition for Rulemaking(dated December 22, 1997) to add a new section to 49 CFR governing design of and transportation safety control measures for portable/mobile refrigeration systems.

Golden Acre Farms, Inc. is a California grower of fresh vegetables such as lettuce, broccoli, cauliflower, and celery. The availability of mobile/portable refrigeration to our operation is extremely critical as we cool over 1 million boxes of vegetables each year.

Your help in this matter is greatly appreciated.

Sincerely,



Cliff Ingle, Controller
Golden Acre Farms, Inc.

GROWERS ICE COMPANY

OFFICE (408) 424-5781
FAX (408) 424-4280

DOT/RSPA/OHMS
DOCKETS UNIT

1060 GROWERS ST.
P.O. BOX 298
SALINAS, CA 93902

98 JAN 20 PM 2:48

January 12, 1998

Ms. Barbara Alston
Public Dockets Office
Research & Special Programs Administration
U.S. Department of Transportation
DHM -30, Room 8421
400 Seventh Street
S. W. Washington, D.C. 20590-0001

Dear Ms. Alston,

Regarding: Support of WGA Petition for rule making... Add a new section to 49 CFR governing the design of and transportation safety control measure for **Portable/Mobile Refrigeration Systems**. Currently under Dot E 10285.

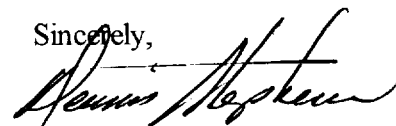
As a refrigeration and Cooling provider, since 1936, Growers Ice Company and the Vegetable Growers of the Salinas Valley, Yuma Valley, Central Valley and San Joaquin Valley as well as the farmers in Maine and as far south as Mexico, strongly support the work that Western Growers Association is doing with respect to the addition to the code governing the **design of and transportation safety control measures for portable/mobile refrigeration system**.

Growers Ice Company services approximately 175 vegetable growers in the various produce districts throughout the year. We are responsible for the cooling of well over 114 million cartons of produce and are very pleased with the rules governing the movement of Refrigeration Equipment throughout the United States. Via Dot E10285. You can readily ascertain the safe movement of equipment is a **vital concern** to Growers Ice Company and the farming operations that we support.

Those of us who are directly associated with the physical properties of ammonia are extremely conscious of safety design and safe handling of machines. The DOT permit, DOT E 10285, works well for those shippers that require transportation needs on short notice and put safety first for all who come in contact with the portable refrigeration equipment.

I would like to strongly urge you to support this measure and recommend this addition of DOT E 10285 to the code.

Sincerely,



Dennis Stephens
Operations Manager



**Pacific Gas and
Electric Company**

356 East Alisal Street
P.O. Box 81171
Salinas, CA 93912-1171

January 12, 1998

U. S. Department of Transportation
Attention: Ms. Barbara Alston
Public Dockets Office
Research & Special Programs Administration
DHM-30, Room 8421, 400 Seventh Street SW
Washington, DC 20590-0001

Dear Ms. Alston:

This letter is in support of the Western Growers Association (WGA) Petition for Rulemaking, dated December 22, 1997, to add a new section to 49 CFR governing design of and transportation safety control measures for portable/mobile refrigeration systems. Without WGA secured Department of Transportation (DOT) emergency exemption (DOT-E 10285), it would be illegal to transport this portable equipment over public roads and highways to meet harvest needs. DOT exemptions are temporary and expire unless renewed, renewal not being guaranteed.

The WGA Petition for Rulemaking provides a permanent solution to this problem. This equipment has been operating since 1989 in the Salinas and Pajaro Valleys in central California, as well as other parts of California and Arizona, under the exemption requirements. The safety record for using and transporting this equipment is sufficient to warrant rulemaking.

I work for Pacific Gas and Electric Company, a utility that supplies gas and electricity to this major industry in our area. Agriculture is the largest employer in our three-county area, and has always operated businesses safely and responsibly. I urge you to adopt the WGA Petition for Rulemaking.

Sincerely,

Richard P. Pate
Major Account Representative

RPP/jme

98 JAN 15 PM 3:33
DOT/RSRA/OHMS
DOCKETS UNIT



January 12, 1998

DOT/RSPA/OHMS
DOCKETS UNIT

98 JAN 20 PM 2:48

U.S. Department of Transportation
Attention: Ms. Barbara Alston
Public Dockets Office
Research & Special Programs Admin.
DHM-30, Room 8421
400 Seventh Street S.W.
Washington, DC 20590-0001

Re: WGA Petition Support

Dear Ms. Alston:

This letter is written in support of the Western Growers Association Petition for Rulemaking dated December 22, 1997 which adds a new section to 49 CFR governing the design of and transportation safety control measures for portable or mobile refrigeration systems.

NewStar grows and ships in excess of 19 million packages of fresh vegetables with revenues exceeding \$185 million. The availability of mobile/portable refrigeration equipment is vital to our ability to cool these products—the alternative costs associated with their elimination would cost us a significant sum in an industry where margins are thin and control over capital and operating costs are paramount concerns.

More importantly we are concerned as much for the safety aspects of transporting and handling of this equipment, for the general public as well as our own employees. We have and will continue to strictly enforce operating procedures which comply with the existing exemption. The system of controls works and the elimination of this exemption will only cause undue hardship to our company and industry in a misdirected effort to strengthen safety concerns which are already satisfied.

Thank you for efforts to support Western Growers Petition in this regard.

Sincerely,

Robert V. Jenkins

Robert V. Jenkins
Managing Director

RVJ:er

cc: Kathy Mannion

RVJ.2400

MALAN STREET COOLING

(619) 344-6368
33 MALAN STREET • P. O. BOX 224
BRAWLEY, CALIFORNIA 92227

DOT/RSPA/OHMS
DOCKETS UNIT

98 JAN 20 PM 2:48

January 12, 1998

U.S. Department of Transportation
Research & Special Programs Administration
DHM-30, Room 8421
400 Seventh Street S.W.
Washington, D.C. 20590-0001

Attn: Ms. Barbara Alston, Public Dockets Office

Dear Ms. Alston:

We are writing this letter in support of Western Growers Association's petition to add a new section to 49 CFR governing design of and transportation safety control measures for portable/mobil refrigeration systems.

We currently grow vegetable crops in the Imperial Valley and use portable/mobil units to cool all of our vegetables in preparation for shipment throughout the U.S.. It is important for us to have the ability to move units that would otherwise be parked because of the expense in building them.

We currently cool in excess of three million cartons and not being able to move equipment from one production area would not only create an operational problem, but also an economic one. We currently operate in compliance with exemption requirements and will insure the public health and safety.

Thank you for your assistance in this matter.

Sincerely,



Martin Mohamed
Controller



BOSKOVICH FARMS, INC.

FAMILY PRIDE SINCE 1915

P.O. Box 1352

Oxnard, California 93032

Telephone 805/487-2299

DOT/RSPA/OHMS
DOCKETS UNIT

98 JAN 14 PM 2:28

January 9, 1998

Ms. Barbara Alston
Public Dockets Office
Research & Special Programs Administration
U.S. Department of Transportation, DHM-30, Room 8421
400 Seventh Street S.W.
Washington, DC 20590-0001

Dear Ms. Alston,

Boskovich Farms is a grower-shipper of fresh vegetables in Ventura County. We grow Iceberg lettuce, Romaine, Green leaf, Red leaf, Butter, Endive, Escarole, Bok choy, Napa, Celery, and Cabbage which must be cooled. Without the utilization of being able to precool fresh produce, we would not have been able to meet the high demands of production and delivery. Last year in 1997 we hydro-cooled 3,125,000 cartons.

We support the Petition for Rulemaking to add section 49CFR growing design of and transportation safety control measure for portable/mobile refrigeration systems.

Respectfully,

Joseph M. Boskovich
Chief Executive Officer
BOSKOVICH FARMS, INC.

January 7, 1998

DOT/RSPA/OHMS
DOCKETS UNIT

98 JAN 13 PM 3:29



**WESTERN
PRECOOLING
SYSTEMS**

Ms. Barbara Alston
Public Dockets Office
Research & Special Programs Administration
U.S. Department of Transportation
DHM-30, Room 8421
400 Seventh Street, S.W.
Washington, D.C. 20590-0001

Dear Ms. Alston:

Western Precooling Systems and its affiliate, Central Cooling Company, are involved in the owning and operating of portable refrigeration equipment utilized throughout California and Arizona.

The purpose of this letter is to strongly request your support for WGA Petition for Rulemaking (dated December 22, 1997) to add a new section to 49 CFR governing design of and transportation safety control measures for portable/mobile refrigeration systems. As I am sure you are well aware, this petition will replace DOT-E 10285 which we have operating under since 1989.

As background to this issue, all fruits and vegetables are precooled prior to shipping as an absolute necessity to extend the shelf life of the commodity. Absent this precooling (or field heat removal), the fruit or vegetable shelf life would be so short as to prevent any shipping beyond the immediate surrounding area. The concept of utilizing portable refrigeration equipment dates back to the 1960's and has become an integral part of the vast majority of vegetable grower/shippers in California and Arizona. Due to the high cost of the equipment, it makes good economic and business sense to utilize this equipment on a year round basis. The majority of the precooling equipment we move is actually owned jointly with the individual shipper/grower as their production shifts from the winter season (Coachella Valley, California; Imperial Valley, California; and Yuma, Arizona) to the spring season (San Joaquin Valley, California) and on into the summer home (Salinas, California). Although economics certainly cannot be the overriding factor here, please be aware that the industry has estimated that 90 percent of the winter crops grown in California and Arizona are precooled with portable refrigeration equipment.

As stated above, we have operated under the emergency exemption since 1989. The exemption obviously gave specific guidelines for the industry to operate under and I believe we have established a safety record that should allow permanent rule making. Attachment E in the Petition for Rule Making is a refrigeration trailer that we owned. The refrigeration trailer was totaled in the accident. However, there was no release of any residual ammonia whatsoever.

43990 FREMONT BLVD.
FREMONT, CA 94538

P.O. BOX 1338
FREMONT, CA 94538

Ms. Barbara Alston
U.S. Department of Transportation
Page 2
January 7, 1998

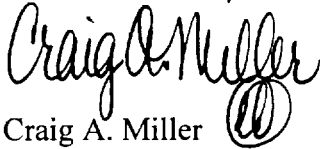
Quite frankly, I cannot think of a worse potential than a piece of equipment ending up on its side in the middle of the highway.

Please feel free to call.

I certainly look forward to a favorable response.

Sincerely,

WESTERN PRECOOLING SYSTEMS

A handwritten signature in black ink that reads "Craig A. Miller". The signature is written in a cursive style with a large, stylized "C" and "M".

Craig A. Miller
President

CAM/db
WPS98\DOT DOC

cc: Kathy Mannion
Director
CA Government Affairs
Western Growers Association
1005 12th Street, Suite A
Sacramento, CA 95814
WPS Correspondence File



AGRICULTURAL COUNCIL OF CALIFORNIA

REPRESENTING FARMER COOPERATIVES SINCE 1919

109B

January 7, 1997

Ms. Barbara Alston
Public Dockets Office,
Research and Special Programs Administration
U.S. Department of Transportation, DHM-30, Room 8421
400 Seventh Street S.W.
Washington D.C. 20590-0001

DOT/RSPA/OHMS
DOCKETS UNIT
98 JAN 13 PM 3:39

The Agricultural Council of California, representing 60 farmer owned cooperatives in California, supports the petition for rulemaking dated December 22, 1997, to add a new section to 49 CFR governing design and transportation safety control measures for portable/mobile refrigeration systems.

The proposed rule's design and safety standards are the same as those contained in DOT-E 10285. The mobile refrigeration standards have been in place since 1989 and have developed a strong safety record sufficient to justify rulemaking.

Many agricultural commodities, especially fruits and vegetables, are highly perishable. Precooling and cooling soon after harvest preserves quality and product life. Many of these refrigeration units are used for short periods of time in remote locations. Requiring permanent refrigeration units would be uneconomical. Growers would then be forced to take prime land out of production or make large investments in refrigeration facilities which would only be used for a short period during harvest.

Thank you for considering this request for rulemaking.

Sincerely,

Dennis Albani,
Government Affairs Specialist